

(A)

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS

**RECEIVED**

APR - 7 2008 *aelw*

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

APR 07 2008

JAMES BLACKMAN  
(Full name under which you were convicted)

N-62837  
(Prison Number)

STATEVILLE CORRECTIONAL CENTER  
(Place of Confinement)

Docket No. 08C1836  
(To be supplied by Clerk)

AMENDED

**PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. §2254  
BY A PERSON IN STATE CUSTODY**

JAMES BLACKMAN, Petitioner  
(Full name under which you were convicted)

vs.

TERRI MCMAINE, Respondent  
(Name of Warden, Superintendent, Jailor, or  
authorized person having custody of petitioner),

and (when applicable)

The Attorney General of the State of

**PETITION FOR WRIT OF HABEAS CORPUS  
BY A PERSON IN STATE CUSTODY**

**INSTRUCTIONS—READ CAREFULLY**

1. If you are attacking a judgment which imposed a sentence to be served in the future, you must fill in the name of the state where the judgment was entered. If you have a sentence to be served in the future under a federal judgment which you wish to attack, you should file a motion under Title 28, U.S.C. §2255, in the federal court which entered the judgment.
2. **Readable** - The petition may be either typed or handwritten, but it must be readable.
3. **One Conviction Per Form** - You can only challenge one criminal conviction in each petition.
4. **Signed Under Penalty of Perjury** - The petition must be signed by you "under penalty of perjury". Any false statement of a material fact may serve as a basis for prosecution and conviction for perjury. Your signature does not have to be witnessed by a notary public.
5. **Copies and Proper Court** - All questions must be answered. When the petition is fully answered, the original and two (2) copies must be mailed to the Clerk of the United States District Court for the Southern District of Illinois, whose address is P.O. Box 249, East St. Louis, IL 62202-02491.
6. **Exhaustion** - Before you can sue in federal court for habeas corpus relief, you must first raise every ground you have in State Court, either by direct appeal, state habeas, and/or post-conviction statutes, and appeal as high in the state court system as they will let you go. If you have not done this, you should either do it now, before filing in federal court, or be prepared to explain on the form why you have not exhausted your state remedies.
7. **All Grounds** - You must include all grounds for relief in this petition and the facts supporting each ground for relief. If you fail to do so, you may be prevented from presenting additional grounds at a later date.
8. **Legal Citations and Arguments** - No citations of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
9. **Fee** - You must either (A) pay the filing fee of \$5.00 or (B) if you do not have the money, you may request permission to proceed in forma pauperis, in which event you must complete and sign the motion and affidavit supplied by the clerk's office and have an authorized officer at the penal institution complete and sign the attached certificate. You must also have an authorized officer attach a print-out of your prison trust account activity for the six months prior to the filing of your petition.
10. **Grounds Frequently Raised** - For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded

by a letter is a separate ground for possible relief. YOU MAY RAISE ANY ADDITIONAL GROUND(S). However, you should raise in this Petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of the listed grounds. If you select one or more of these grounds for relief or any other ground(s), you must allege FACTS. The Petition may be returned to you if you merely check the ground(s) listed below.

- a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and consequences of the plea.
- b) Conviction obtained by used of coerced confession.
- c) Conviction obtained by use of evidence gained pursuant to an unlawful arrest.
- d) Conviction obtained by a violation of the privilege against self-incrimination.
- e) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- f) Conviction obtained by a violation of the protection against double jeopardy.
- g) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- h) Denial of effective assistance of counsel.
- i) Denial of right of appeal.

### PETITION

1. Institutional Address: STATEVILLE CORRECTIONAL  
CENTER  
PO BOX 112 JOLIET, IL  
60434
2. Court: Name and location of Court in which the conviction you are challenging was obtained: COOK COUNTY JAIL  
2600 S. CALIFORNIA  
CHICAGO IL 60608
3. Judge(s): Trial Judge \_\_\_\_\_  
Sentencing Judge Mrs. LAW RM 706

4. **Date:** What was the date of your conviction? 2 - 24 - 2006
5. **Crime:**
- a) Of what crime(s) were you convicted? CANABIS AND  
ATTEMEDATION OF THREAT
- b) Were you sentenced on more than one count of an indictment, or on more than one indictment in the same court at the same time?  
Yes ☒ No ☐
- If yes, explain: YES CASE #06CR7073 THAT WILL  
BE THE CANABIS CASE #06CR 7744  
THAT WILL BE THE ATTEMEDATION OF THREAT
6. **Lawyer:** Who was your lawyer?
- a) At preliminary hearing UNKNOWN
- b) At arraignment and plea UNKNOWN
- c) At trial UNKNOWN
- d) At sentencing UNKNOWN
- e) On direct appeal UNKNOWN
- f) In any post-conviction proceeding UNKNOWN
- g) On appeal from any adverse ruling in a post-conviction proceedings  
UNKNOWN
7. **Plea:**
- a) What your conviction a result of a guilty plea or plea of nolo contendere?  
(Check one)  
☒ Yes, guilty plea  
☐ Yes, nolo contendere  
☐ No
- b) What was the date of your plea? 4-23-07
- c) If you pleaded guilty to one count or one indictment, and pleaded not guilty or nolo contendere to another, give details: ON 4-23-07 I  
PLEADED GUILTY TO THE CANABIS AND ATTEMEDATION  
OF THREAT IN RETURN FOR THEM TO DISMISS THE  
HAND GUN.

8. Sentence: What was your sentence? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Trial: a) What kind of trial?  
 \_\_\_\_\_ Jury \_\_\_\_\_ Judge without a jury

b) Did you testify at the trial? \_\_\_ Yes \_\_\_ No

10. Appeal(s): a) Did you appeal your criminal conviction? \_\_\_ Yes \_\_\_ No

b) If you did appeal, answer the following:

Name and location of Court to which you first appealed \_\_\_\_\_

Date Notice of Appeal was filed \_\_\_\_\_

Result \_\_\_\_\_

Date of Opinion \_\_\_\_\_

Citation of court opinion (if known) \_\_\_\_\_

Ground(s) raised on direct appeal \_\_\_\_\_

If you did not directly appeal, explain briefly why you did not BECAUSE  
MY ATTORNEY FAILED TO PRODUCE THE  
EVIDENCE

c) Did you attempt to appeal the result to the highest state court having jurisdiction? \_\_\_ Yes \_\_\_ No

d) If you did attempt to appeal to the highest state court, attach a copy of the petition or motion you made, and answer the following (or attach a copy of the court's opinion or order): MY ATTORNEY FAILED TO RELEASE IT.

Name and location of Court 2600 S. CALIFORNIA

CHICAGO IL 60606 COOK COUNTY JAIL

Date Petition for Leave to Appeal or Notice of Appeal was filed 4-23-07

Result HE FAILED TO DO SO

Date of Opinion NEVER RELIED BECAUSE HE FAILED TO DO SO

Citation of court opinion (if known) NEVER RECEIVED IT

Ground(s) raised LOCATION 6012 S. KEELER WAS  
NOT OWNED LEASED OR RENTED TO A  
JAMES BLACKMAN

If you did not appeal to the highest state court, explain briefly why you did not BECAUSE MY ATTORNEY FAILED TO DO  
SO.

c) Did you seek permission to file a late appeal? ☐ Yes ☒ No

11. Post Conviction Collateral Proceeding(s):

a) Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal:  
☐ Yes ☒ No

b) If yes, give the following information:

A. First petition, application or motion.

- 1) Name of Court NONE
- 2) Date Filed NONE
- 3) Nature of Proceeding NONE
- 4) Ground(s) Raised LOCATION 6012 S. KEELER WAS  
NOT OWNED LEASED OR RENTED TO A JAMES  
BLACKMAN

- 5) Did you receive an evidentiary hearing on your petition, application or motion? ☐ Yes ☒ No

6) Final Result NONE

7) Date of Final Result (Attach a copy of the court's opinion or order) NONE

- 8) If this petition, application, or motion was brought in a state court, did you appeal the result to the highest state court having jurisdiction?  
☐ Yes ☒ No

If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order)

- 9) If you did not appeal, briefly explain why you did not BECAUSE MY ATTORNEY FAILED TO DO SO OF THE EVIDENCE

B. As to any second petition, application or motion, give the following information:

1) Name of Court NONE

2) Date Filed NONE

3) Nature of Proceeding NONE

4) Ground(s) Raised LOCATION 6412 S. KEELE WAS NOT OWNED LEASED OR RENTED TO A JAMES BLACKMAN

- 5) Did you receive an evidentiary hearing on your petition, application or motion?  
☐ Yes ☒ No

6) Final Result None

7) Date of Final Result (Attach a copy of the court's opinion or order) None

8) If this petition, application, or motion was brought in state court, did you appeal the result to the highest state court having jurisdiction?  
☐ Yes ☒ No

If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order)

9) If you did not appeal, briefly explain why you did not BECAUSE MY ATTORNEY FAILED TO PRODUCE THE EVIDENCE

C. As to any third petition, application or motion, give the following information:

1) Name of Court None

2) Date Filed None

3) Nature of Proceeding None

4) Ground(s) Raised LOCATION 10112 S. KETTER WAS NOT OWNED LEASED RENTED TO A JAMES BLACKMAN

5) Did you receive an evidentiary hearing on your petition, application or motion?  
☐ Yes ☒ No

6) Final Result None

7) Date of Final Result (Attach of copy of the court's opinion or order) None



- 8) If this petition, application, or motion was brought in state court, did you appeal the result to the highest state court having jurisdiction?  
☐ Yes ☒ No

If you did appeal, give the name of the court where the appeal was filed, the result, the case number, citation and date of the court's decision (or attach a copy of the court's opinion or order) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 9) If you did not appeal, briefly explain why you did not BECAUSE MY  
ATTORNEY FAILED TO PRODUCE THE EVIDENCE  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. Other Remedies:

Describe all other procedures, such as administrative remedies, that you have utilized. List the dates when you sought each remedy, the result, and the date of that result I CANNOT DO  
SO BECAUSE MY ATTORNEY FAILED TO DO SO. HE WAS  
INEXPERIENTIAL COUNSELOR  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

13. Ground(s) for Federal Habeas Corpus:

State in the following paragraph(s) every ground or reason you claim your conviction is improper or unlawful.

A. First Ground

- 1) My conviction violates the constitution or laws of the United States because: BEING  
HELD FALSILY IMPRISONED ALSO THE CHICAGO  
POLICE OFFICERS GIVEN FALSE INFORMATION TO THE  
DISTRICT COURT FOR A WARRANT IN JAMES BLACKMAN  
AT LOCATION OF 6012 S. KELLEY. WHERE HE DOES  
NOT OWN LEASE OR RENT AT THE LOCATION OF 6012  
S. KELLEY IN CHICAGO IL

- 2) I have already raised this claim in state court.

Direct Appeal: ☐ Yes ☒ No

14. If any of the grounds listed in 13A, B, or C were not previously presented in any court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: NONE BECAUSE MY ATTORNEY FAILED TO PRODUCE THE APPEAL TO THE MOTION

15. Do you have any petition or appeal now pending in court, either state or federal, regarding the conviction under attack? ☐ Yes ☒ No

If yes, give the name of the Court and nature of proceeding: \_\_\_\_\_

16. Second or Successive Petitions:

- a) Is this a second or successive petition? (Have you previously filed a habeas petition in federal court with respect to the judgment you are currently attacking?) Yes ( ) No (☒)
- b) If yes, have you attached a copy of an Order from a three-judge panel of the court of appeals authorizing this court to consider this petition? Yes ( ) No (☒)

**NOTE:** To file a second or successive petition with this court, you must first obtain an Order from a three-judge panel of the court of appeals that authorizes this court to consider this petition. You must attach a copy of such an Order.

Failure to attach a copy of such Order will result in automatic dismissal of this petition.

- c) Does this second or successive habeas petition raise a claim that you have not presented in a previous petition(s)? Yes ( ) No (☒)

If no, answer the following:

- (1) Briefly explain the claim not raised in a previous petition BECAUSE MY ATTORNEY FAILED TO PRODUCE THE APPEAL TO THE MOTION

- (2) Does the new claim rest on new facts that could not have previously been discovered through the exercise of due diligence; and would the facts, if proven and viewed in light of the evidence as a whole, be sufficient to establish by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found you guilty of the underlying offense? If yes, what are those facts? DUE  
TO THE FACT OF THE CONSTITUTION THERE IS NO WAY  
THAT THE CONSTITUTION WILL LOCK UP A PERSON FOR  
A LOCATION THAT HE DOES NOT OWN LEASE OR  
RENT AND I KNOW THAT THE CONSTITUTION WILL  
STRAIGHTEN IT OUT.
- (3) Does the new claim rely on a new rule of constitutional law that was previously unavailable, and which was made retroactive to cases on collateral review by the United States Supreme Court? If so, what is that rule? NONE

### **FUTURE SENTENCE**

Do you have any future sentence to serve after you complete the sentence imposed by the conviction under attack? ☐ Yes ☒ No

- a) If yes, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_
- b) Give date and length of sentence to be served in the future: \_\_\_\_\_
- c) Have you filed, or do you contemplate filing, any petition attacking the conviction which imposed the sentence to be served in the future? ☐ Yes ☒ No

### REQUEST FOR RELIEF

State here exactly what you want to the court to do:

I COME TO THE HONORABLE COURT TO PLEASE GRANT MY RELEASE BASED ON  
FALSE INFORMATION GIVEN BY THE CHICAGO POLICE OFFICERS AND DUE TO THE  
LOCATION THAT IS NOT CORRECT BY ME LEASED BY ME AS RENTED BY  
ME THAT I AM FAIRLY IMPRISONED FOR TODAY IF YOU WILL LOOK  
AT THE OWNER STATEMENT YOU WILL SEE THAT THE OWNER STATED  
THAT SHE RENTED HER HOUSE TO A LADY BY THE NAME OF LORRYN SMITH  
AND NOT A JAMES BLACKMAN THANK YOU.

### DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, certify to the best of my knowledge, information, and belief, that this petition is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11(a) and (b) may result in sanctions, monetary or non-monetary, pursuant to Federal Rule of Civil Procedure 11(c).

Signed this 2 day of 4-2-08.

James Blackman  
Signature of Petitioner

\_\_\_\_\_  
(Signature of lawyer, if any)

DUE TO THE FACT OF FALSE INFORMATION PROVIDED BY THE CHICAGO POLICE OFFICERS DEPARTMENT, TO THE UNITED STATES DISTRICT COURT, TO EXECUTE A SEARCH WARRANT FOR A JAMES BLACKMAN AT THE LOCATION OF 6012 S. KESLER IN CHICAGO ILLINOIS, DUE TO THE FACT OF THIS I JAMES BLACKMAN I'M FAISLY IMPRISONED DUE TO A SEARCH WARRANT IN MY NAME, ALSO THE EVIDENCE THAT WAS PROVIDED IN COURT STATES THAT THE OWNER OF THIS LOCATION 6012 S. KESLER WAS TENANT, OWNED, RENTED TO A LAURYN SMITH AND NOT A JAMES BLACKMAN. THE EVIDENCE WAS PROVIDED BY THE STATES ATTORNEY TO HAVE THERE INVESTIGATORS OFFICERS GO OUT TO THE LOCATION TO SEE IF THIS LOCATION WAS RENTED TO A JAMES BLACKMAN ALSO LET THE EVIDENCE SHOW THAT THE EVIDENCE WAS HIDDEN BY THE STATES ATTORNEY. AND JAMES BLACKMAN WAS NOT THE LEASE OWNER OR THE OWNER OF 6012 S. KESLER, ALSO THE OWNER OF THIS LOCATION 6012 S. KESLER THE OWNER STATES THAT SHE HAS BEEN WITH A LAURYN SMITH AND ASKED HER WHO WILL BE LIVING AT THIS LOCATION WITH HER LAURYN SMITH THEN STATED THAT HERSELF, HER COUSIN AND POSSIBLY TWO SMALL CHILDREN WILL RESIDE AT THIS LOCATION WITH HER. AT THE TIME OF THE WARRANT THERE WAS NO ONE AT THE LOCATION TO RELIEVE THE WARRANT, ALSO THE FRONT AND THE BACK DOOR WAS KEPT IN BY THE CHICAGO POLICE OFFICERS AND THE WARRANT WAS LEFT ON THE DINING ROOM TABLE.

CASE NUMBER: 08 CI.836

JUDGE NAME: JUDGE ANDERSEN

TITLE OF CASE: CANABIS AND REMEDIATION OF  
THREAT

THIS IS THE ONLY WAY I CAN GET THESE  
DOCUMENTS TO YOU BECAUSE WE ARE ON LOCK  
DOWN. THANK YOU MICHAEL W. DOBBINS